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December 16, 1998

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: Truth-In-Billing and Billing Format  
CC Docket No. 98-170

Dear Ms. Salas:

Please find enclosed for filing, the original and ten copies of Paging Network, Inc.'s Reply Comments, in the above-referenced proceeding. In accordance with the Commission's filing instructions, an electronic copy of this filing formatted on diskette also is being simultaneously delivered to Anita Cheng and International Transcription Services, Inc. For your convenience, a duplicate copy has been provided for date stamping.

Respectfully submitted,



Peter A. Batacan  
Counsel to Paging Network, Inc.

PAB:pab

Enclosures

cc: Anita Cheng

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

DEC 16 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Truth-in-Billing	)	CC Docket No. 98-170
	)	
And	)	
	)	
Billing Format	)	

**REPLY COMMENTS OF PAGING NETWORK, INC.**

Paging Network, Inc. ("PageNet"), by its attorneys, hereby submits these reply comments in response to the NPRM in the above-captioned proceeding.<sup>1</sup> PageNet supports the goal of ensuring that customers are fully informed about their options for telecommunications services. However, PageNet is concerned that the NPRM's proposal to adopt mandatory regulation of all telecommunication carrier bills will not serve that goal, particularly with respect to commercial mobile radio services ("CMRS"). Wireless carriers already are providing efficient and informative billing arrangements to wireless customers in response to competitive market demands, and the wireless industry as a whole is free of the types of "slamming" and "cramming" fraud problems with which the NPRM is primarily concerned. Accordingly, as discussed below, PageNet opposes the adoption of mandatory regulation for wireless telecommunications bills in this proceeding.

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<sup>1</sup> See *Truth-in-Billing and Billing Format*, CC Docket No. 98-170 (rel. Sept. 17, 1998) ("NPRM"). Comments were filed in this proceeding on November 13. On November 25, the Commission, acting on its own motion, extended the date for filing reply comments to December 16, 1998. See Public Notice, DA 98-2411 (released Nov. 25, 1998).

As the operator of the most extensive wireless telecommunications network in the United States, PageNet is committed to providing “consumer friendly” billing services to its customers. PageNet provides advanced wireless messaging and information services to more than 10 million subscribers in the United States, Canada and Spain – more than one in every five wireless messaging customers in the United States. The agreement that each PageNet customer signs when pre-subscribing to a PageNet wireless service clearly spells out the rates, terms and conditions of service. Moreover, each PageNet customer receives a clear, accurate and informative bill each month for his or her wireless messaging and/or information services.

PageNet also provides a number of ways for consumers to make inquiries or register complaints concerning their services. PageNet maintains a toll-free customer inquiry telephone line (1-800-PAGENET). In addition, customers can send PageNet inquiries using the on-line customer inquiry form on PageNet’s website ([www.pagenet.com](http://www.pagenet.com)). Finally, PageNet’s numerous service offices throughout the country are staffed with customer service representatives who are available to respond to customer questions and needs. In the near future, a centralized customer service center will be available with state-of-the-art equipment and capabilities to better serve PageNet customers.

The comments of other wireless carriers support the conclusion that the wireless industry as a whole already provides effective and consumer friendly billing arrangements to customers.<sup>2</sup> The CMRS marketplace is extremely competitive. In such a competitive environment, individual wireless carriers are naturally compelled to render customer bills in a

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<sup>2</sup> See, e.g., Comments of AirTouch; Comments of Cellular Telecommunications Industry Association (“CTIA”); Comments of PrimeCo Personal Communications, L.P.; Comments of OmniPoint Communications, Inc.; Comments of Nextel Communications, Inc.

truthful, efficient and informative manner, if they want to preserve and grow their customer base. For example, AirTouch notes that it is offering customers the choice of receiving only “summary” billing page, which reduces postage costs and saves time for those customers who do not want to read a long-winded bill.<sup>3</sup>

Moreover, the specific telecommunications fraud problems identified in the NPRM of “slamming” and “cramming” are better redressed – as they are now – through the individual exercise of the Commission’s enforcement powers on a case-by-case basis, rather than by adoption of prospective mandatory requirements applicable to *all* telecommunication carrier bills. The majority of slamming and cramming complaints are limited to landline telecommunications service, and not relevant to wireless services.<sup>4</sup> Nor do the comments of the Federal Trade Commission or the National Consumer’s Union League, experts in consumer protection issues, identify any billing problems associated with the wireless industry.<sup>5</sup> Given that fraudulent service problems are now limited to landline telecommunications and simply do not occur on any widespread basis in the wireless context, crafting “one-size-fits-all” mandatory requirements that would apply to all wireless and landline telecommunications carrier bills will result in harsh inequities and unnecessary and burdensome expenses for the wireless industry.

Furthermore, due to the NPRM’s landline focus, applying the mandatory billing proposals to wireless carrier billing arrangements can lead to absurd and potentially misleading results for consumers. For example, the NPRM proposes that the charge for paging services be defined on a customer’s bill as a “non-deniable” charge – *i.e.*, a charge that will not result in

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<sup>3</sup> See *id.*

<sup>4</sup> See, *e.g.*, Comments of PCS PrimeCo at 5; Comments of BellSouth at 11-13.

<sup>5</sup> See Comments of Federal Trade Commission; National Consumers League.

termination of “basic communications services” if the customer does not pay it.<sup>6</sup> However, paging service *is* subject to denial if a customer fails to pay his or her bill for that service. Thus, the proposal to define all paging service as “non-deniable” is misleading to customers.<sup>7</sup>

PageNet urges the Commission to refrain from adopting mandatory billing rules for universal service-related charges. The NPRM seeks comment on whether the FCC should adopt “safe harbor” language to be used by a carrier who includes a line item charge on end user bills with respect to its universal service obligation.<sup>8</sup> However, it is up to each individual carrier’s business judgment how to manage the costs of universal service compliance and whether to recover some or all of those costs by means of assessing a line-item charge on end users. The Commission cannot adopt uniform “safe harbor” language that would accurately capture each carrier’s different circumstances. For example, the NPRM proposal that bills with a universal service-related charge include a discussion of the benefit of access charge reductions may be relevant to interexchange carriers who are obligated to pay access charges, but is irrelevant to wireless carriers. Thus, mandating uniform safe harbor language could make bills more confusing and potentially misleading. Furthermore, the NPRM’s proposal that any bill with a universal service-related charge include a description of the “scope and purpose” of all universal service support mechanism, including the rural and high-cost, and schools and libraries funds, would, at best, put information on bills that is likely to overwhelm the typical customer and, at worst, will make bills and customer service operations more costly and more confusing.

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<sup>6</sup> NPRM at ¶ 24.

<sup>7</sup> *See also* Comments of Bell Atlantic Mobile at 10-12 (arguing that NPRM proposal to present separate categories of services in clearly separate sections of telephone bill, and if possible, on separate pages ignores the reality that wireless services are not demarcated either by law or the market into “local” and “long distance” services).

<sup>8</sup> *See* NPRM at ¶ 27.

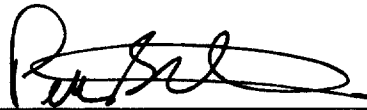
Accordingly, PageNet opposes mandatory rules on how a carrier should describe a universal service-related line item charge on its end user bills. If the Commission in any case decides to adopt "safe harbor" language, its use should be optional and not mandatory.

WHEREFORE, PageNet urges the Commission to refrain from adopting mandatory regulation of CMRS billing arrangements. Allowing wireless carriers to remain free to continue to develop truthful, accurate and informative billing structures in response to market forces is in the public interest.

Respectfully submitted,

PAGING NETWORK, INC.

By:



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Its Attorneys

Date: December 16, 1998

## CERTIFICATE OF SERVICE

I, Patricia A. Bell, do hereby certify that I have caused copies of the foregoing **"Reply Comments of Paging Network, Inc."** to be delivered via hand delivery and/or first-class mail, postage prepaid, this 16<sup>th</sup> day of December, 1998, to each of the following individuals:

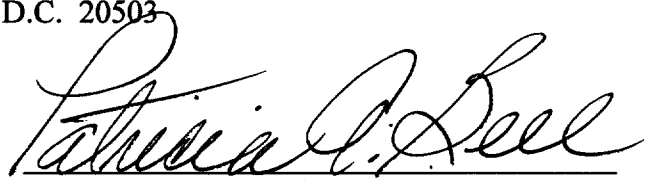
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